

DELEGATED OFFICER REPORT

Application Ref: H/22/93323

Site Address: 18 CHATSWORTH ROAD, EASTLEIGH, SO50 4PE

Case Officer: Dorothy Hei-Tung-Hoh

Description: Retention of fence next to a footpath(Retrospective Application)

Particular Site Constraints?	Yes ☒	No ☐
• Within Established Residential Area • Within Built-up Area Boundary		

Planning History?	Yes ☒	No ☐
• F/19/86510 - Erection of 1no. 2 bedroom terraced dwelling - Refuse Planning Permission For - 10/12/2019		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	15 Chatsworth Road – Objection – Summarised • The fence is too high • Reduce levels of light or outlook 16 Chatsworth Road – No Objection		
Parish Council:	Public Rights of Way appear to be unaffected by the proposals. No Objection		
Ecology:	No Ecological Objections		

Site Visit:	Yes ☒	No ☐
Details: 29 th July 2022		

Policy:
National Planning Policy Framework Planning Practice Guidance
Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM11 and DM14.
Supplementary Planning Documents: Quality Places; Residential Parking Standards; Character Area Appraisal for Eastleigh (ELAC 31)

Assessment:
The site consists of a 3-bedroom terraced house with adjoining open space. The land is fenced off from the footpath that runs alongside it. The surrounding area is residential in nature characterised by 1970s/80s terraced/semi-detached development on multi-headed cul-de-sacs on the north western edge of Eastleigh. This application is retrospective and seeks to retain a section of fence panels.

Principle

- The application site lies within an established residential area where the basic principle of development is acceptable, with any formal approval being based upon the exact nature, design, and impact of that proposed being considered acceptable and in accordance with the relevant policies within the adopted local plan and supplementary planning guidance.

Character and Design

- Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible in terms of mass, scale, layout density, design, and siting.
- The guidance provided within the Quality Places SPD advises that a key design principle is appropriate boundary structures stating 'Boundary treatments must be appropriate to the context, well-detailed and robust. The guidance also states, 'For existing properties, the boundary treatment should be reflective of the general character of an area.'
- The proposal seeks approval for a replacement fence to the southern boundary (next to footpath) of 18 Chatsworth Road. The current southern boundary is mix of 'lap' style fence panels with concrete posts. The lap fence panels have been retained but treated with slate coloured treatment. Since the applicant has added concrete gravel boards at the bottom, the fence measures 2.1m in height. The design of the fence is suited to the host dwelling in terms of its form, scale, and appearance.
- Although the current fence is higher than the former fence, it is next to footpath and so it has little impact on the residential character and appearance of the locality.
- The height of the boundary fence around the side elevation may produce a sense of enclosure and disrupt the openness of the facing properties (12-17 Chatsworth Road). However, it is considered that the boundary fence is positioned in a similar position to that of the pre-existing fence line, it does not result in the detrimental loss of amenity space for the public realm. In addition to this, the overall visual impact, whilst not ideal, does not considered to appear unacceptably detrimental impact on the street scene to such an extent to warrant a refusal of the application.

Impact on Residential Amenity

- Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulate that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.
- Whilst the comments received in respect of the fence from the neighbouring resident are noted, there is considered to be sufficient distance between the properties and as such the impact upon the neighbours' outlook and sunlight are not materially different to what they have already experienced.
- The development accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy, light, or outlook.

Ecology

- Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) stipulates that the Borough Council will work with statutory and voluntary agencies and developers to; protect, conserve and enhance areas subject to international, national and local nature conservation designations, and promote the net gain of biodiversity on all sites through the protection, enhancement and connection of existing provisions and new habitats and features compatible with the native biodiversity characteristics of the Borough.
- The Council's Ecologist has been consulted as part of this application. She has advised that any permanent fencing that is erected at the property boundaries must have periodic holes (measuring 13cm by 13 cm minimum) at its base to allow the movement of animals, such as hedgehogs, to promote habitat connectivity and extended foraging ranges.
- It was confirmed by the applicant that there are existing holes at the front and back of the fence which his cats currently use and should therefore be sufficient for any movement of animals.

Trees and landscaping

- The site does not contain any trees offered protection by a tree preservation order. Furthermore, the proposal has been deemed not to be in conflict with any trees or landscape features of particular amenity to the area. There are no likely significant impacts on the SPA.

Highways and Parking

- Policy DM14 of the Eastleigh Borough Local Plan (2016-2036) requires residential development to provide off-highway parking which is adequate in terms of highway safety/traffic management.
- The application relates to the retention of boundary treatment. The proposal does not impact upon the current parking provisions, and therefore does not have an adverse impact in this regard.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

The NPPF, Policies S1, DM2 and DM3 of the Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering

the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion:

- Subject to Conditions
- On balance, it is considered that the replacement fence respects the character and appearance of the locality and does not have a harmful impact upon residential amenity. This application accords with the requirements of the above policies and is therefore recommended for approval.

Recommendation:

PERMIT ☒

REFUSE ☐

Comments